

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CHAIM FRIEDMAN,

Plaintiff,

-against-

SHARINN & LIPSHIE, P.C.,

Defendants.
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MEMORANDUM AND ORDER

Case No. 12-CV-3452 (FB) (CLP)

Appearances:

For the Plaintiff:

KARIN ARROSPIDE, ESQ.

Fredrick Schulman & Associates

30 East 29th Street, Suite 204

New York, NY 10016

BLOCK, Senior District Judge:

On March 28, 2013, Magistrate Judge Pollak issued a Report and Recommendation (“R&R”) recommending that the Court award default judgment against defendant in the total amount of \$3,689.24, consisting of \$750 in statutory damages and \$2,939.24 in attorneys’ fees and costs. *See* R&R at 12-14, 18-21. The R&R clearly stated that defendant’s failure to object within 14 days of receipt of the R&R would preclude appellate review. *See id.* at 21-22; *see also* Dkt. No. 18 (stating that objections are due by April 15, 2013). To date, no objections have been filed.

If clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R&R without *de novo* review. *See Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice

of the consequences, failure timely to object to a magistrate's report and recommendation operates as a waiver of further judicial review of the magistrate's decision."). The Court will excuse the failure to object and conduct *de novo* review if it appears that the magistrate judge may have committed plain error, *see Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000); no such error appears here. Accordingly, the Court adopts the R&R in its entirety and directs the Clerk to enter judgment in accordance with the R&R.

SO ORDERED.

/S/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, NY
May 3, 2013